

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JERALD DEAN GODWIN,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:16cv509-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Petitioner Jerald Dean Godwin, a federal inmate, filed this lawsuit seeking habeas relief pursuant to 28 U.S.C. § 2255. He challenges his conviction and consecutive 84-month sentence for brandishing a firearm during and in relation to a "crime of violence," in violation of 18 U.S.C. § 924(c)(1)(A). Specifically, he contends that § 924(c)'s residual clause is unconstitutionally vague. The magistrate judge recommended denying the writ petition and Godwin objected. Then, last week, the Supreme Court ruled that § 924(c)'s residual clause is unconstitutionally vague. See *United States v. Davis*, ___ U.S. ___, 2019

WL 2570623, at *13 (June 24, 2019). Now, to complete its review of the recommendation and objections, this court requires briefing on *Davis's* impact on timeliness and procedural-bar issues, as well as an elements-clause issue.

Accordingly, it is ORDERED that, by July 10, 2019, the parties are to file detailed legal briefs concerning:

- (1) Whether, in light of *Davis*, petitioner Jerald Dean Godwin's § 2255 motion is untimely and/or procedurally barred and should be therefore be denied;
- (2) Whether, given that 18 U.S.C. § 2113(a) can be violated "by extortion," it is categorically broader than § 924(c)'s elements clause; and

(3) Any other issue(s) the parties wish to address
in response to the petitioner's objections or
in relation to *Davis*.

DONE, this the 27th day of June, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE